THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.36859 of 1998

Dated: 25-07-2005

Between:

B.U.V. Rao, S/o. Ratna Chary, R/o.Khammam.

… Petitioner

And

The Industrial Tribunal-cum-Labour Court,
Warangal and another.

… Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.36859 of 1998

ORDER:

This writ petition is filed by the petitioner-workman being aggrieved by the award dated 17-09-1997 in I.D.No.18 of 1994 passed by the Chairman, Industrial, Tribunal-cum-Labour Court, (for short 'the Labour Court') Warangal.

It is the case of the workman that he was appointed as Conductor in the A.P. State Road Transport Corporation (for short 'the Corporation') in the year 1991. It is stated in the affidavit filed in support of the petition that while he was performing his duties on 31-03-1993 on route Bhoopathiraopeta to Badrachalam in Bus bearing No.AEZ-2403, surprise check was conducted by the checking officials at Stage No.1. Though there were no irregularities, the checking officials have framed a false case and issued charge-sheet which reads as under:

> "For having collected Rs.7.75 and issued tickets bearing No.079/398926 of Rs.7.75 denomination to a passenger, who boarded your bus at Bandarigudem and found alighting at Bhadrachalam Ex.Stages 10 to 1, which was already issued by you in your journey and accounted in the S.R.No.A1/7475103 at Stage No.2, thus you have reissued the above tickets, which is a misconduct Under Regulation 28 (xxxii) of the APSRTC Employees (conduct) Regulations 1963".

Having not satisfied with the explanation offered by the petitioner, an enquiry was ordered in the matter. The enquiry officer, though there was no evidence on record, found the workman guilty of the charges. The Corporation, basing on the enquiry report submitted by the enquiry officer, issued a show cause notice of termination dated 14-09-1993 and finally removed the workman from service on 30-09-1993. Aggrieved by the same, the workman raised an Industrial Dispute before the 1st respondent under Section 2-A (2) of the Industrial Disputes Act and the same was taken on file as I.D.No.18 of 1994. The Labour Court, though found that the punishment of removal is disproportionate to the gravity of misconduct, granted relief of fresh appointment as Conductor denying the continuity of service, backwages and other attendant benefits.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and also perused the award passed by the Labour Court and other material made available on record.

At the out set, I am of the opinion that the Labour Court has not committed any error in denying the continuity of service, backwages and other attendant benefits. However, removal of the workman from service was disproportionate to that of the misconduct alleged. The Labour Court has considered the explanation offered by the workman in the enquiry stating that in the down journey he had issued tickets bearing Nos. 926, 927, 928 of Rs.7.75 paise denominations and the T.T.Is. by mistake of the printing in ticket No.928, which was not clearly visible, treated the same as 925 and falsely framed charges against him. In fact, the Labour Court has noticed that the checking officials collected the reissued ticket from the passenger and on verification with the S.R. it was revealed that ticket No.925 was already issued in up journey and accounted in S.R.No.A1/7475103 at stage 10.2. Therefore, the Labour Court has rightly come to the conclusion that the workman committed misconduct with *mala fide* intention. However, the Labour Court took a lenient view of the matter and granted reinstatement of the workman into service, finding the removal as shockingly disproportionate to that of the misconduct proved.

In view of the above, I am of the considered opinion that reissue of the tickets is a grave misconduct. The Labour Court has not committed any error in denying the benefit of continuity of service and backwages. The writ petition is devoid of merit and is liable to be dismissed.

Accordingly the writ petition is dismissed. No order as to costs.

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C.V. RAMULU, J

Dated: 25-07-2005

LSK